

**In the United States District Court  
For the Southern District of Georgia  
Waycross Division**

WILLIE MAYS,

Plaintiff,

v.

DAMON HININSER, et al.,

Defendants.

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CIVIL ACTION NO.: 5:20-cv-123

**ORDER**

Plaintiff filed a 42 U.S.C. § 1983 Complaint and alleged Defendants violated his constitutional rights. Dkt. No. 1. Plaintiff failed to pay the requisite filing fee or move to proceed *in forma pauperis*, and the Clerk of Court notified Plaintiff of this deficiency. Dkt. No. 4. Upon receiving no response to this deficiency notice, the United States Magistrate issued a Report recommending this case be dismissed without prejudice based on Plaintiff's failure to follow a Court directive. Dkt. No. 6. The next day, Plaintiff's Notice of Voluntary Dismissal was filed. Dkt. No. 7.

The Court construes Plaintiff's Notice as being a motion brought under Federal Rule of Civil Procedure 41(a)(2).<sup>1</sup> Rule

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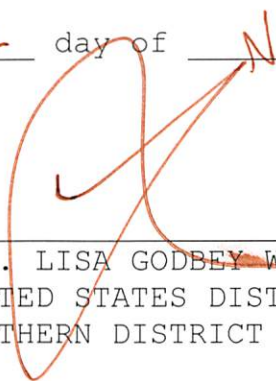
<sup>1</sup> "Courts generally 'must look beyond the labels of [filings] by pro se [parties] to interpret them under whatever statute would provide

41(a)(2) provides that "an action may be dismissed at the plaintiff's request only by court order, on terms that the court considers proper. Unless the order states otherwise, a dismissal under this paragraph . . . is without prejudice."

Upon due consideration, the Court **GRANTS** Plaintiff's construed Motion to Dismiss his § 1983 Complaint voluntarily.

Consequently, the Court **REJECTS as moot** the Magistrate Judge's Report and Recommendation, **DISMISSES without prejudice** Plaintiff's Complaint, and **DIRECTS** the Clerk of Court to enter the appropriate judgment of dismissal and to **CLOSE** this case.

SO ORDERED, this 2 day of November, 2020.

  
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HON. LISA GODBEY WOOD, JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA

relief.'" Edwards v. Hastings, No. 2:14-CV-41, 2016 WL 686386, at \*1 (S.D. Ga. Feb. 18, 2016) (quoting Lofton v. Williams, No. CV415-146, 2016 WL 126408, at \*2 (S.D. Ga. Jan. 11, 2016) (first alteration in original), and citing Means v. Alabama, 209 F.3d 1241, 1242 (11th Cir. 2000) (concerning pro se inmates)); Fed. R. Civ. P. 8(e) ("Pleadings must be construed so as to do justice."); Wilkerson v. Georgia, 618 F. App'x 610, 611-12 (11th Cir. 2015).